



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
WASHINGTON, D.C. 20460

OFFICE OF  
SOLID WASTE AND EMERGENCY  
RESPONSE

April 22, 2005

**MEMORANDUM**

SUBJECT: FY 2006 OSWER National Program Guidance

FROM: Tom Dunne / s /  
Deputy Assistant Administrator

TO: Regional Administrators I-X

I am pleased to transmit the Office of Solid Waste and Emergency Response (OSWER) FY 2006 national program guidance. This guidance is the result of a multi-year process to align Agency, state, and tribal processes to strengthen our joint strategic planning.

All major OSWER programs and their enforcement counterparts are covered by this guidance. The guidance defines national policy, strategic goals and priority activities for the OSWER programs, as well as the Superfund enforcement component managed by the Office of Enforcement and Compliance Assurance (OECA). This guidance is prepared in part to implement the *2003-2008 EPA Strategic Plan*<sup>1</sup> and is consistent with the *EPA FY 2006 Annual Performance Plan and Congressional Justification*<sup>2</sup>, and should be used to assist in National Environmental Performance Partnership System discussions.

We are developing new outcome-oriented measures to drive our planning and implementation activities. Recent measures development efforts, such as the outcome

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<sup>1</sup>The *2003-2008 EPA Strategic Plan* can be found at <http://www.epa.gov/ocfopage/plan/plan.htm> . Waste programs and their enforcement components are contained in goals 3, 4 and 5.

<sup>2</sup> The *EPA FY 2006 Annual Performance Plan and Congressional Justification* can be found at <http://www.epa.gov/ocfopage/budget/2006/2006cj.htm> .

measure for acres of land in reuse and continued use, are essential in supporting overarching environmental themes. They will provide unified measures of benefit across all cleanup programs, and serve as a focal point for program evaluation.

This is our fifth national guidance. I would like to congratulate EPA staff, and state and tribal counterparts on the considerable efforts undertaken to improve our national planning processes; reduce transaction costs for states, tribes, and EPA; and increase communication and coordination to achieve desired environmental results. Changes from the prior-year guidance include: updated dates and statistics throughout the document, addition of new performance measures (especially for the RCRA waste management programs), updated programmatic descriptions to reflect the Superfund program reorganization, increased emphasis on expanding partnership efforts for all programs, and addition of three appendices (a grants management guidance, a description of links with Agency strategic planning, and a compilation of performance measures contained in the guidance).

The following is an overview of FY 2006 priorities for all OSWER and related OECA programs. Additional detail is provided for individual programs in the main section of this guidance.

## **OVERARCHING PROGRAM PRIORITIES**

Over the past four years we have focused on a series of initiatives to enhance and strengthen our waste management, response, cleanup and enforcement programs. In FY 2006 waste programs will continue to emphasize these priorities as a means of accomplishing our national objectives. These priorities are: Revitalization; One Cleanup Program; Recycling, Waste Minimization and Energy Recovery; and Emergency Preparedness, Response, and Homeland Security. A brief overview of these four priorities follows.

**Revitalization** The revitalization initiative is a means of leveraging lessons learned in development of the Brownfields and Base Realignment and Closure programs, and applying them across all of our cleanup programs. The Land Revitalization Agenda (<http://www.epa.gov/swerrims/landrevitalization/index.htm>) provides an extensive menu of options for integrating the concept of land reuse while selecting cleanup approaches. As part of this initiative, we have been working with the regions to develop regional reuse plans. These plans represent a commitment by EPA managers and staff to make land revitalization a core component of our cleanup programs, and provide an opportunity to showcase the extensive regional activities already under way.

**One Cleanup Program (OCP)** The OCP is EPA's vision for how different cleanup programs at all levels of government can work together to improve the coordination, speed, and effectiveness of cleanups at contaminated sites across the nation. It is also a vehicle for effectively coordinating activities and communicating results. The OCP actively promotes three program improvements: increasing cleanup consistency and effectiveness, providing clearer and more meaningful cleanup information, and

developing better cleanup program performance measures (<http://www.epa.gov/swerrims/onecleanupprogram/index.htm> ).

**Recycling, Waste Minimization and Energy Recovery** EPA's strategy for reducing waste generation and increasing recycling is based on (1) establishing and expanding partnerships with businesses, industries, states, communities, and consumers; (2) stimulating infrastructure development, environmentally responsible behavior by product manufacturers, users, and disposers ("product stewardship"), and new technologies; and (3) helping businesses, government, institutions, and consumers through education, outreach, training, and technical assistance (<http://www.epa.gov/epaoswer/osw/index.htm> ). The Resource Conservation Challenge (<http://www.epa.gov/epaoswer/osw/conserve/index.htm>) is a central component of this strategy.

**Emergency Preparedness, Response, and Homeland Security** The possibility of future terrorist incidents has made homeland security and enhanced emergency response a government-wide priority. During FY 2005 we will complete necessary enhancements through establishment of the National Decontamination Team, procurement of specialized equipment, and providing advanced training. We will also continue our focus on improvements to overall response readiness, and maintain our role in implementing the National Approach to Response (<http://yosemite.epa.gov/oswer/ceppoweb.nsf/content/homelandSecurity.htm?OpenDocument> ).

A program-specific area of focus is the continued emphasis on improving the Superfund program's effectiveness and efficiency: (1) carefully review the scope, budget and schedule of ongoing and new construction projects to ensure available resources are directed where they are needed, (2) review construction start candidates to ensure that projects that present the greatest risk to human health are addressed, while balancing the programmatic need to complete construction at other projects, (3) maximize the use of resources already available to the Agency through deobligations of prior year funds and reimbursements, (4) continue to work with developers and partner with other Federal Agencies (such as the US Army Corps of Engineers) to leverage the Program's resources. In addition, OSWER workforce development continues to be a high priority as well, but is outside the scope of this guidance.

## **TRIBAL PROGRAM DEVELOPMENT**

OSWER continues to emphasize tribal program priorities and performance. Our primary goal is to complete an OSWER Programs Tribal Strategy that defines program priorities and accountability through measurement. In particular OSWER will focus on the following key areas:

- Integrating or unifying tribal waste management and prevention program approaches that span our statutory authorities (RCRA Subtitles C, D and I, CERCLA Sections 104 and 128, OPA and EPCRA). An important component is support for integrated solid waste management planning.
- Improving effective tribal participation, through a government to government relationship, in carrying out OSWER activities in Indian country and other tribal areas.
- Developing capacity building tools in the following areas: communication, hazard assessment, resource conservation, risk identification, and revitalization.
- Improving tribal baseline data for better program decision-making.
- Improving training strategies.

## INNOVATIONS AND REGIONAL PRIORITIES

OSWER will continue to support innovation and cross-cutting themes. Through strategic collaborations with industry, academia, non-profit organizations, and various levels of government, EPA is stretching beyond its traditional role as a regulator by embracing new ideas and new ways of doing business. While innovative ideas usually begin as small-scale efforts, many hold promise for broader application leading a shift in thinking from waste management to materials reuse, from abandonment of contaminated lands to land revitalization. In FY2006 we will continue to use the OSWER Innovation Workgroup (IWG) to identify and evaluate new and creative solutions to materials design and reuse, emergency response and preparedness, and land revitalization. (<http://www.epa.gov/oswer/iwg/about.htm>).

As part of a cross-Agency initiative, senior management (including Deputy Assistant Administrators/Deputy Regional Administrators)<sup>1</sup> has endorsed three priority innovations for “scale-up” (i.e., full scale implementation) and recommended their integration into National Program Guidance. These priority innovations are: the National Performance Track Program (<http://www.epa.gov/performancectrack/>), Environmental Management Systems (<http://www.epa.gov/ems/>), and the Environmental Results Program (<http://www.epa.gov/permits/masserp.htm>). Regions, states, and Tribes are encouraged to use these innovative approaches in the achievement of their program goals.

Environmental justice will continue to be a priority throughout all of the waste programs to ensure that all people have equal protection and access to healthy and environmentally sound conditions. The waste programs have been an Agency leader in advancing the environmental justice agenda and we will continue to integrate these concerns into our daily business.

OSWER will also support the Agency priorities for protecting children, and upholding citizens’ rights to be knowledgeable about the health of their environment

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<sup>1</sup>The Innovation Action Council (IAC), comprised of the Agency’s senior career program and regional leaders, sets direction, oversees, and champions innovative environmental programs and policies.

through action oriented integration efforts such the use of the Environmental Justice Toolkit and Community Action for a Renewed Environment (CARE). Implemented during FY 2005, CARE is designed to help communities work at the local level to identify and reduce multiple sources of toxics in their environment through cooperative agreements. The Administration has requested additional resources for this program in FY 2006, and regions should continue their ongoing efforts to promote this program. Information about CARE can be found at <http://cfpub.epa.gov/care/>.

Implementation of improved technologies is an essential element in achieving efficiencies. Regions, states and tribes are asked to continue promoting deployment of new, more effective and less costly cleanup technologies. This includes ongoing efforts with stakeholders to identify and overcome barriers to deployment of field analytic and remediation technologies.

We recognize that funding the above areas may necessitate a redirection of resources from our program areas. When Regions are directing resources to meet these cross-cutting priorities, I request that the Region contact Dev Barnes, Director of OSWER's Office of Program Management (202-566-1884).

## **GRANTS MANAGEMENT**

A significant portion of waste program resources are provided to states, tribes and stakeholders in the form of grants and cooperative agreements. Regions are encouraged to strive for continual improvement of grants management to ensure compliance with national grants management policies related to comprehensive pre-award reviews, competition, post-award monitoring, and a focus on environmental results emphasizing grant work plans that contain outcome-based measures. Additional information on grants management can be found on the EPA website at <http://www.epa.gov/ogd/grants/management.htm> .

The EPA National Environmental Performance Partnership System (NEPPS) has been developed to provide greater flexibility in the implementation of delegated programs. Regions, states and tribes are encouraged in their efforts to develop and refine performance partnership agreements and grants. The EPA publication Performance Partnership Grants for State and Tribal Programs: Interim Guidance provides initial guidance for this process. Additional information on performance partnership grants can be found on the EPA website at [http://www.epa.gov/ocirpage/nepps/pp\\_grants.htm](http://www.epa.gov/ocirpage/nepps/pp_grants.htm) .

I look forward to working with you to meet the challenges in achieving OSWER's national goals and priorities. Please refer questions regarding our consolidated guidance process to Susan Janowiak (202-566-1906) or Sue Priftis (202-566-1901) in the OSWER Office of Program Management.

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## **Executive Summary: Office of Solid Waste and Emergency Response (OSWER)**

### **I. Program Offices**

This guidance contains implementation priorities for all major OSWER programs: the Office of Superfund Remediation and Technology Innovation, the Federal Facilities Restoration and Reuse Office, the Office of Emergency Management, the Office of Brownfields Cleanup and Redevelopment, and the Office of Solid Waste. OSWER enforcement counterparts, principally the Office of Enforcement and Compliance Assurance/Office of Site Remediation Enforcement, are also represented in this guidance. Basic approaches remain the same from last year.

### **II. Introduction/Context**

All major OSWER programs and their enforcement counterparts are covered by this guidance. The guidance defines national policy, strategic goals and priority activities for the OSWER programs, as well as the Superfund enforcement component managed by the Office of Enforcement and Compliance Assurance (OECA). This guidance is prepared in part to implement the *2003-2008 EPA Strategic Plan*<sup>1</sup> and is consistent with the *EPA FY 2006 Annual Performance Plan and Congressional Justification*<sup>2</sup>, and should be used to assist in National Environmental Performance Partnership System discussions.

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### **III. Program Priorities**

Four themes characterize EPA's land program activities and priorities: Revitalization; One Cleanup Program; Recycling, Waste Minimization and Energy Recovery; and Homeland Security.

- **Revitalization:** EPA and its partners are restoring contaminated land to make it economically productive or available as green space. These revitalization efforts complement the Agency's traditional cleanup programs, and enable affected communities to reuse contaminated lands in beneficial ways. EPA is developing performance measures to assess its success in restoring and revitalizing sites under all its cleanup programs.

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<sup>2</sup> The *EPA FY 2006 Annual Performance Plan and Congressional Justification* can be found at <http://www.epa.gov/ocfopage/budget/2006/2006cj.htm>.

- One Cleanup Program: Through the One Cleanup Program, the Agency is looking across its programs to bring consistency and enhanced effectiveness to site cleanups. The Agency will work with its partners and stakeholders to enhance coordination, planning, and communication across the full range of Federal, State, tribal, and local cleanup programs. This effort will improve the pace, efficiency, and effectiveness of site cleanups, as well as more fully integrate land reuse and continued use into cleanup programs. The Agency will promote information technologies that describe waste site cleanup and revitalization information in ways that keep the public and stakeholders fully informed. Finally, the Agency will develop environmental outcome performance measures that report progress among all cleanup programs, such as the number of acres able to be reused after site cleanup. A crucial element to this effort is a national dialogue, currently underway, on the future of Superfund and other EPA waste cleanup programs.
- Recycling, Waste Minimization and Energy Recovery: EPA's strategy for reducing waste generation and increasing recycling is based on (1) establishing and expanding partnerships with businesses, industries, States, communities, and consumers; (2) stimulating infrastructure development, environmentally responsible behavior by product manufacturers, users, and disposers ("product stewardship"), and new technologies; and (3) helping businesses, government, institutions, and consumers through education, outreach, training, and technical assistance. The Resource Conservation Challenge is a central component of this strategy.
- Emergency Preparedness, Response, and Homeland Security: EPA has a major role in reducing the risk to human health and the environment posed by accidental or intentional releases of harmful substances and oil. EPA will continue to improve its capability to effectively prepare for and respond to these incidents, working closely with state and local governments, and other Federal agencies within the National Response System.

#### **IV. Implementation Strategies**

The Superfund Remedial program will continue to focus on cleaning up sites and returning them to beneficial reuse. These goals will be achieved by assessing the worst sites first, ensuring that human exposure to toxic chemicals and migration of contaminated ground water are under control, selecting final cleanup plans for sites, and completing construction of remedies. States and tribes are key partners in the cleanup of Superfund hazardous waste sites, and Superfund's Regional offices will continue to work closely with these partners in accomplishing key goals and objectives under the EPA FY 2003 - 2008 Strategic Plan.

The Superfund Federal Facilities Response Program will continue to focus on achieving site construction completion and promote reuse at Federal facilities listed on the National Priorities List (NPL) and specific Base Realignment and Closure Act (BRAC) bases. Work at these sites will be done collaboratively with our federal, state, tribal and local partners as well as impacted communities. The Superfund Federal Facility Enforcement



program will continue to use the most appropriate enforcement and compliance tools to address the significant problems at these sites. In addition, the program will try to resolve outstanding site-specific disputes as well as obtain statutorily mandated Interagency Agreements (IAGs)/Federal Facility Agreements (FFAs) at those NPL sites without one. The Federal facilities response and enforcement programs will work together to ensure that the Federal government addresses its responsibilities at NPL and BRAC sites.

The Superfund Removal and Oil programs will continue to ensure that releases of hazardous substances and oil in the inland zone are appropriately addressed to reduce the threat to human health and the environment. EPA will continue to support local, state and other federal responders at response incidents and direct and/or monitor responses by responsible parties. Federal Preparedness and Homeland Security programs continue to develop and implement preparedness and response policies to meet Homeland Security requirements, including the National Response Plan (NRP), and EPA's National Approach to Response (NAR). Compliance with the Risk Management Plan program will be achieved through inspections, audits and analysis of facilities risk management plans. This data will be utilized to conduct outreach to improve chemical safety.

The Brownfields program will continue to clean up brownfields and return them to use; fund pilot programs and other research efforts; clarify liability issues; enter into Federal, state and local partnerships; conduct outreach activities; and create related job training and workforce development programs. In FY 2006, Regions will emphasize training with regard to hazardous substances with organizations representing the interests of states and Tribal co-implementors of the Brownfields law; Tribal technical outreach support to address environmental justice issues and support Brownfields research; and Administrative and programmatic support to the Agency to implement the Brownfields program, manage the logistical support of the grant competition for measuring outcomes based upon the government scorecard which integrates the budget and performance.

The RCRA program continues to have two main areas of focus for FY 2006. The first will be to continue existing program obligations such as ensuring the safe management of hazardous and non-hazardous waste and cleaning up hazardous and non-hazardous releases. The second is a redirection towards materials management and increased efforts regarding solid waste and chemicals reduction. Much of this effort is contained in the Resource Conservation Challenge and its four national focus areas.

The Underground Storage Tank program continues to have two main areas of focus for FY 2006. The first will be to continue to make incremental improvements in reducing the national backlog of confirmed releases yet to be cleaned up. At the end of FY 2004, the backlog of sites requiring remedial action was 129,828 sites, which is a five percent drop from FY 2003. EPA will continue to work with the states to achieve more cleanups completed each year, thus reducing the backlog. The second is to continue to assist states and Tribes in encouraging owners and operators to properly operate and maintain their underground storage tanks, ensure owners and operators routinely and correctly monitor all regulated underground storage tanks and piping in accordance with regulations, and

develop state programs with sufficient authority and enforcement capabilities to operate in lieu of the Federal program.

#### **V. Tracking Progress**

Progress tracking will continue as normal, using established data systems (such as CERCLIS and RCRAInfo) and/or manual reporting requirements as outlined in program-specific guidance. Note that the Office of Solid Waste has added increased emphasis to state/regional planning efforts in their guidance.

EPA and the states are working to establish more outcome related program measures and reporting systems. As new measures are implemented we will need to work closely to ensure timely and accurate reporting. Regions and states are encouraged to continue their review of reporting requirements and to identify areas where greater efficiencies and cost savings may be found.

#### **VI. Program Contacts (staff)**

Program/Issue	Contact
General OSWER	Susan Janowiak (202-566-1906)
	Sue Priftis (202-566-1901)
Superfund Remedial	Art Flaks (703-603-9088)
	Janet Weiner (703-603-8717)
Emergency Management	Lisa Guarneiri (202-564-7997)
	Kim Jennings (202-564-8211)
Brownfields	Jennifer Wilbur (202-566-2756)
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Solid Waste	Wayne Roepe (703-308-8630)
	Maryann Petrole (703-305-8685)
Underground Storage Tanks	Sammy Ng (703-603-7166)
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Federal Facilities	Renee Wynn (703-603-0049)
	Hortensia Coffee (703-603-0053)
Tribal	Felicia Wright (202-566-1632)
	Lois Gartner (202-566-1632)
Innovation	Brigid Lowery (202-566-1632)

## **Superfund Remediation, Federal Facilities Programs**

### ***Goal Three: Preserve and Restore the Land***

#### ***Subobjective 3.2.2: Clean Up and Reuse Contaminated Land***

On December 11, 1980, Congress passed the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund), as amended by the Superfund Amendments and Reauthorization Act in 1986. This important legislation was enacted to fill a major gap in environmental protection. The events at Love Canal, New York, and other sites around the country had shown that wastes buried long ago – and mostly forgotten – could prove to be a serious threat to communities. CERCLA provides the Federal government with the authority to respond to releases and threats of releases of hazardous substances, pollutants and contaminants to protect public health and welfare.

The Agency created the Superfund Federal Facilities Response Program in 1998, and charged the program with the responsibility of overseeing the cleanup and reuse of Federal properties. Across the country, thousands of Federal facilities are contaminated with hazardous waste, unexploded ordnance, radioactive waste, fuels, and a variety of other contaminants. Those facilities include many different types of sites, such as abandoned mines, nuclear weapons production plants, fuel distribution areas, and landfills. With the enactment of the Base Realignment and Closure (BRAC) legislation in 1988, 1991, 1993 and 1995, 497 major military installations representing the Army, Navy, Air Force, and Defense Logistics Agency were slated for realignment or closure. Of the 497 major installations, 107 of those installations were identified as requiring accelerated cleanup. For more information on this program go to [http://epa.gov/swerffrr/about\\_ffro.htm](http://epa.gov/swerffrr/about_ffro.htm).

EPA, working in collaboration with the states, Tribes, and other Federal agencies, manages the Superfund program to clean up abandoned hazardous waste sites and releases. EPA also oversees the implementation of Superfund at National Priorities List (NPL) sites with cleanups led by other Federal agencies. These programs seek to protect human health and the environment and to allow sites to be returned to productive use. As of February 2005, the Superfund program has:

- assessed over 45,900 sites in conjunction with Federal, state and Tribal partners;
- listed 1,529 final or deleted sites on the NPL (including 171 Federal sites);
- approved final cleanup plans at over 1,150 NPL sites;
- begun (but not yet completed) construction at 351 NPL sites; and
- completed construction at 927 NPL sites

This guidance provides direction to the Regions to meet the priorities of the Superfund Remedial and Federal Facility programs. To protect human health and the environment and to address potential barriers to redevelopment, EPA has and will continue to work with states and other Federal agencies, as appropriate, to:

- Prioritize cleanups based on threats to human health and the environment;
- Expediently complete remedial clean-up construction at sites listed on the NPL;
- Promote the reuse and redevelopment of Superfund sites to put them into productive use in communities;
- Promote the One Cleanup Program which provides flexibility to determine which statutory

- authority is best suited to clean up the site;
- Leverage private party resources by continuing to pursue an “enforcement first” strategy that ensures the responsible parties undertake clean-ups at sites with unacceptable human health and ecological risks;
- Compel private parties to pay back Trust Fund money spent to conduct cleanup activities;
- Apply innovative technologies which showcase the latest approaches for site characterization and remediation to achieve cost-effective solutions;
- Enhance collaboration between EPA and the states and Tribes to implement the Superfund Remedial and Federal Facility programs;
- Enhance stakeholder involvement by working with communities surrounding Superfund sites to improve their direct involvement in every phase of the cleanup process;
- Address long-term stewardship needs through the Superfund Remedial and Federal Facility post-construction programs to ensure continued protection of human health and the environment;
- Enhance public access to information on the status of sites on the NPL; and,
- Improve data quality by keeping the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) up-to-date and accurate to support program planning and accomplishments reporting.

While conducting these activities to clean up sites, EPA must ensure that it is meeting the mandate of the Government Performance and Results Act (GPRA) to use resources wisely and achieve program results. To date, EPA has developed seven measures to ascertain how well the Superfund program is progressing in achieving program results. By 2008, EPA plans to:

- Perform 88,000 health and environmentally based site assessments and make 41,700 final assessment decisions under Superfund (as of EOY FY2004, 39,134 final decisions have been made);
- Control all identified unacceptable human exposures from site contamination to at or below health-based levels for current land and/or ground water use conditions at 1,259 Superfund human exposure sites (as of EOY FY2004, 1242 sites have human exposures under control);
- Control the migration of contaminated ground water through engineered remedies or natural processes at 832 Superfund ground water exposure sites (as of EOY FY2004, 875 sites have ground water migration under control);
- Select final remedies at 1,223 Superfund sites (as of EOY FY2004, 1,003 sites had final remedies selected<sup>1</sup>);
- Complete construction of remedies at 1,086 Superfund sites (as of EOY FY2004, 926 sites had completed construction);
- Reach a settlement or take an enforcement action before the start of a remedial action at 90 percent of Superfund sites having viable, liable responsible parties other than the Federal government; and,
- Address all Statute of Limitations cases for Superfund sites with unaddressed total past costs equal or greater than \$200,000.

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<sup>1</sup>There was a correction to the cumulative baseline in FY 2003. It was adjusted from 1103 in FY 2002 to 973 in FY 2003.

The Superfund Remedial and Federal Facility programs will track these measures for FY2006-FY2008. To ensure critical program goals, outputs and outcomes are achieved, the Programs will continue to evaluate the effectiveness and efficiency of program operations. New performance measures may be added as they are developed.

EPA must engage states, Tribes, and other Federal agencies in the planning process to achieve program results as measured under GPRA. The Office of Superfund Remediation and Technology Innovation (OSRTI), the Office of Site Remediation Enforcement (OSRE), the Federal Facilities Enforcement Office (FFEO), and the Federal Facilities Restoration and Reuse Office (FFRRO) are responsible for overall program planning, including implementing the requirements of GPRA and reporting on Superfund program accomplishments. The Superfund Comprehensive Accomplishments Plan (SCAP) is the process by which the Assistant Administrators for the Office of Solid Waste and Emergency Response and the Office of Enforcement and Compliance Assurance, and senior Superfund managers monitor progress towards meeting GPRA annual performance goals. SCAP will continue to be used as a management tool to project and track activities that contribute to these GPRA goals and support resource allocation. Regions should continue to plan and report accomplishments in WasteLAN as they have done traditionally.

In addition to the SCAP, the Superfund Program Implementation Manual (SPIM) is a planning document that defines program management priorities, procedures and practices for the Superfund program. The SPIM provides the link between GPRA, EPA's Strategic Plan, and the program's internal processes for setting priorities, tracking and planning performance, and meeting program goals. It establishes the process to track overall program process through program targets and measures. The SPIM is developed on a biennial basis. Revisions to the document are issued during the biennial cycle as needed. Any new measures that are developed will be incorporated into the SPIM during the biennial cycle. Regions should continue to use the most current version of the SPIM for instructions on entering data into WasteLAN. See <http://www.epa.gov/superfund/action/process/spim04.htm> .

### ***Strategies to Meet Performance Goals***

Regions have flexibility to employ various strategies to meet specific targets for their Region. Strategies could include working with the Regional drinking water program to ensure that sites within areas of critical concern (source water protection areas) remain a high priority, implementing the sediment site strategy, issuing Superfund redevelopment grants to communities, or completing preliminary re-use assessments to encourage site re-use or partnering with local universities or other Federal agencies to address issues at specific sites. EPA will continue to maintain its focus on protection of public health and completing work at sites in a cost-effective manner. Several cost management measures, such ground water pump and treat optimization, remedy updates and innovative technologies utilization, are in place to ensure that Superfund dollars that are expended achieve the maximum impact. In addition, EPA reviews candidates for listing on the NPL to ensure their priority and carefully manages the flow of funds to ongoing activities. Regions must still coordinate with the National Remedy Review Board for certain sites on remedy selection, as appropriate, and the National Risk-Based Prioritization Panel to rank new construction projects for fund-financed remedial action funding. For more information, see <http://www.epa.gov/superfund/programs/reforms/types/cleanup.htm> . Regions should follow other

program guidance and directives, as appropriate, to conduct activities at Superfund Remedial and Federal facility sites. See <http://www.epa.gov/superfund/action/index.htm> .

### ***Tribal Program***

Tribes play an important role in helping EPA meet its GPRA goals. EPA relies on a number of Tribes to implement the site assessment process on Tribal lands. EPA expects to continue to provide funding, through cooperative agreements, to Tribes to carry out this activity. In certain instances, Tribes and EPA may enter into cooperative agreements for the Tribe to conduct several types of cleanup activities such as limited removal actions, and support agency agreements for assistance during remedial actions. Tribes have distinct roles in the cleanup of Federal Facilities under treaties with the U.S. government. The Federal Facility Restoration and Reuse Office works with Tribes on a government-to-government basis at both the facility level and the national policy-making level. Tribes are involved in the cleanup process at Federal facility and private sites that impact them (such as mine cleanups), through meaningful dialogue that respects the unique needs of each community. EPA Regions should continue to develop partnerships that will enhance capacity and participation in the environmental decisionmaking process.

### ***Annual Workplanning***

EPA will continue to follow the annual workplanning procedures that are outlined in the SPIM. Headquarters and Regional offices will work together to develop Regional targets for each fiscal year, with the overall goal of meeting national performance goals that are established in the Strategic Plan. EPA will track progress made on the GPRA measures outlined in the Strategic Plan in the online OCFO commitment system. Any new GPRA measures for Superfund that are developed will be added to the online system.

EPA will continue to track other program measures, such as Remedial Investigation / Feasibility Study (RI/FS) starts, Remedial Design (RD) starts, and Five Year reviews, in CERCLIS. For workplanning, each Region should focus on its own individual pipeline (e.g., whether it needs to focus on final remedy selection or construction completions), the overall goals of the program including GPRA objectives and subobjectives, and how it can achieve its portion of the national effort given proposed resources. Regional workplanning efforts should include those targets that will be met by efforts from the states, Tribes, or other Federal agencies. These targets should be factored into the workplanning negotiations between Headquarters and the Regions.

## Superfund Remediation, Federal Facilities Program Performance Measures

Goal	Obj.	Measure	Baseline	Unit of Measure	FY 05 Enacted National Target	FY 06 Draft National Target	FY 07 Draft National Target	FY 08 Draft National Target	Comment
3	2	Number of Superfund Final Site Assessment Decisions	39,134	Final Assessment Decisions	500	500	500	500	
3	2	Number of Superfund Hazardous Waste Sites with Human Exposures Under Control	1242	Sites	10	10	10	10	
3	2	Number of Superfund Hazardous Waste Sites with Ground Water Migration Under Control	875	Sites	10	10	10	10	
3	2	Number of Final Remedies Selected at Superfund Sites	1003	Final Remedies	20	20	20	20	
3	2	Number of Superfund Construction Completions	926	Construction Completion	40	40	40	40	
3	2	Percentage of total Superfund appropriated resources which are obligated site-specifically each year.	55%	Obligations	56%	57.25%	58.5%	60%	
3	2	Percent of Settlements or Enforcement Actions before the Start of the Remedial Action		Settlements or Enforcement Actions	90 %	90 %	90 %		
3	2	Statute of Limitations Cases with Unaddressed Total Past Costs Equal to or Greater than \$200,000		Statute of Limitations Cases	100%	100 %	100 %		

Note: Baseline year is FY2004

## **Emergency Response and Prevention Programs**

### ***Goal Three: Preserve and Restore the Land***

#### ***Subobjective 3.2.2: Clean Up and Reuse Contaminated Land***

##### ***Preparing for and Responding to Emergencies***

EPA plays a major role in reducing the risks that accidental and intentional releases of harmful substances and oil pose to human health and the environment. Under the National Response System (NRS), EPA evaluates and responds to thousands of releases annually. The NRS is a multi-agency preparedness and response mechanism that includes the following key components: the National Response Center, the National Response Team (NRT) which is composed of 16 Federal agencies, 13 Regional Response Teams, and Federal On-Scene Coordinators (OSCs). These organizations work with state and local officials to develop and maintain contingency plans that will enable the Nation to respond effectively to hazardous substance and oil emergencies. When an incident occurs, these groups coordinate with the OSC in charge to ensure that all necessary resources, such as personnel and equipment, are available and that containment, cleanup, and disposal activities proceed quickly, efficiently, and effectively.

Local, state, and Tribal agencies are a critical element to the success of the NRS. These groups work with the responsible parties to address the vast majority of oil discharges and hazardous substance releases. EPA's primary role in the NRS is to serve as the Federal OSC for spills and releases in the inland zone. This is a key role, since the Federal response is essentially a safety net to address the incidents that are beyond the capability or otherwise cannot be adequately addressed by the state or local agency or responsible party.

In FY 2003, the Agency developed and initiated its National Approach to Response (NAR), which is designed to ensure that the Agency is better prepared for large-scale responses such as those to terror attacks. The NAR emphasizes the need to provide the necessary levels and appropriate types of support during responses, and is based on moving toward greater consistency across the Regions in emergency response capabilities. During FY 2004, EPA identified ten priority initiatives to support the NAR and appointed a HQ/Regional workgroup to address each. By addressing these priorities, EPA is working toward improving its capability to respond to large-scale incidents such as the World Trade Center, Anthrax attacks, and the Columbia Shuttle recovery, as well as the hundreds of other responses that are conducted each year.

Preparedness on a national level is essential to ensure that emergency responders are able to deal with multiple, large-scale emergencies, including those that may involve chemicals, oil, biological agents, or radiological incidents. Over the next several years, EPA will enhance its core emergency response program to respond quickly and effectively to chemical, oil, biological, and radiological releases. EPA also will improve coordination mechanisms to respond to simultaneous, large-scale national emergencies,



including homeland security incidents. The Agency will focus its efforts on Regional Response Teams and coordination among Regions; health and safety issues, including provision of clothing that protects and identifies responders, training, and exercise; establishment of delegation and warrant authorities; and response readiness, including equipment, transportation, and outreach.

In addition to enhancing its readiness capabilities, EPA will work to improve internal and external coordination and communication mechanisms. For example, as part of the National Incident Coordination Team, EPA will continue to improve its policies, plans, procedures, and decision-making processes for coordinating responses to national emergencies. Under the Continuity of Operations/Continuity of Government program, EPA will upgrade and test plans, facilities, training, and equipment to ensure that essential government business can continue during a catastrophic emergency. External communication and coordination is through the National Response Team, with close coordination with the Department of Homeland Security on potential terrorism threats.

EPA will work to improve its capability to respond effectively to incidents that may involve harmful chemical, oil, biological, and radiological substances. The Agency will explore improvements in field and personal protection equipment and response training and exercises; review response data provided in the “after-action” reports prepared by EPA emergency responders following a release; and examine “lessons learned” reports to identify which activities work and which need to be improved. Application of this information and other data will advance the Agency’s state-of-the-art emergency response operations.

Since Superfund was enacted, EPA has conducted or led over 8,280 removal response actions. In addition, EPA conducts or oversees about 300 oil spill responses each year.

EPA has enhanced its emergency response and removal capabilities through the development of the Core Emergency Response (Core ER) program, which sets standards to ensure that each Region works toward improving and maintaining an excellent response program. Under GPRA, EPA has set a target to improve the Agency’s homeland security and emergency response preparedness by 10% each year, as measured through the Core ER evaluation process, which is based on several key elements to emergency response preparedness, such as: health and safety issues, including provision of clothing that protects and identifies responders, training, and exercises; establishment of delegation and warrant authorities; and response readiness, including equipment, transportation, and outreach. The baseline for this evaluation was completed in FY 2003. In FY 2004, the total overall ER score increased to 9,222 from the FY 2003 baseline of 8,553. The Agency’s performance in FY 2005 and beyond will be compared with the FY 2003 baseline.

Under GPRA, EPA will also be tracking responses to oil discharges and hazardous substance releases. The performance measure for the number of Superfund removal response actions is 350 per year; the number of oil spill responses is 300 per year. In FY 2004, EPA initiated 387 Superfund removal response actions and responded to 308 oil

spills. The numbers for FY 2005 and beyond will vary depending on the actual number of spills occurring and on the ability of responsible parties, states, local governments, and Tribes to respond.

In FY 2005, EPA will study data needs and issues related to improved measures for tracking FY 2006 emergency response and oil spill performance.

## **PREVENTION PROGRAM**

### ***Goal 4: Healthy Communities and Ecosystems***

#### ***Objective 1.4: Reduce Risks at Facilities***

The Superfund Amendments and Reauthorization Act of 1986 (SARA) was signed into law on October 17, 1986. Title III of this law is the Emergency Planning and Community Right-to-Know (EPCRA), which created requirements for state and local planning and preparedness for chemical emergencies, and public access to information concerning potential chemical hazards. In 1990, section 112(r) of the amended Clean Air Act (CAA) established requirements regarding the prevention and detection of accidental releases of hazardous chemicals. The Risk Management Program (RMP) established under those requirements is an extension of the planning and preparedness programs established under EPCRA. Under the RMP program, facilities that handle quantities of regulated substance are required to develop RMPs and submit them to EPA, state agencies, and local emergency planning committees (LEPCs).

EPA, working with states, Tribes, local communities, industry, and other Federal Agencies, oversees these programs with philosophy that:

- operators of facilities who have hazardous chemicals are primarily responsible for the safe handling of those chemicals, and
- state and local governments (as well as the community) play a critical role in risk reduction as well as mitigating the effects of chemical accidents.

In order to continue to assist state and local governments and industry in reducing the risks from chemical accidents or mitigating the effects of those accidents should they take place, EPA will:

- continue to provide guidance, tools, and technical assistance to states, local communities, and industry to better enable them to reduce risk;
- analyze existing RMP data as well as data gathered from audits to understand potential chemical risks and releases; and
- assist states and local communities in understanding how these chemical risks could affect them and how to reduce risk and prepare to address and mitigate risks should a chemical accident occur.

Under GPRA, EPA has set as a strategic target that by 2008, 50% of local communities or LEPCs will have incorporated facility risk information into their emergency

preparedness and community right-to-know programs. EPA will collect information from LEPCs during 2005 to determine the extent to which they have incorporated such facility risk information into their planning and community right-to-know programs. After collecting this baseline data, between 2005 and 2007, EPA will be collecting this information again from LEPCs to determine changes in the baseline information.

The Clean Air Act requires EPA to establish a system to audit RMPs. The audit system is used to continuously improve the quality of risk management programs, gather information on chemical risks, and check compliance with the requirements, all of which assist in improving RMPs and reducing chemical risks. EPA will be collecting information on the number of desk audits, on-site audits, and/or facility inspections complete each year from FY2005-2007. The performance measure for the number of RMP audits/inspections is 400 per year. In FY 2004, EPA conducted 730 RMP field audits/inspections.

**Useful Websites:**

Office of Emergency Management	<a href="http://www.epa.gov/oem">http://www.epa.gov/oem</a>
National Response Team (NRT)	<a href="http://www.nrt.org">http://www.nrt.org</a>
Risk Management Program	<a href="http://yosemite.epa.gov/oswer/ceppoweb.nsf/content/RMPS.htm">http://yosemite.epa.gov/oswer/ceppoweb.nsf/content/RMPS.htm</a>
Oil Spills	<a href="http://www.epa.gov/oilspill">http://www.epa.gov/oilspill</a>
Emergency Response	<a href="http://www.epa.gov/superfund/programs/er/">http://www.epa.gov/superfund/programs/er/</a>

## Emergency Response and Prevention Program Performance Measures

Goal	Obj.	Measure	Baseline	Unit of Measure	FY 05 Enacted National Target	FY 06 Draft National Target	FY 07 Draft National Target	FY 08 Draft National Target	Comment
3	2	Percentage improvement in emergency response and homeland security readiness	completed in FY 2003	percentage improvement	10% improvement	10% improvement	10% improvement		
3	2	Number of Superfund removal response actions initiated	8,286	removal actions	350	350	350		
3	2	Number of oil spills responded to or monitored	3,288	spill responses	300	300	300		
4	1	Number of risk management plan audits completed.	N/A	Facilities	400	400	400		
4	1	Percentage of LEPCs which have incorporated RMP information into their emergency plans.	FY2005	LEPCs and/or communities	N/A	N/A	N/A		Will determine future targets based on baseline data collected in 2005.

Note: Baseline year is FY2004

\*The Agency is currently evaluating this baseline and may adjust it downward in the future.

## **Brownfields Cleanup and Redevelopment Program**

### ***Goal 4: Healthy Communities and Ecosystems***

#### ***Subobjective 2.3: Assess, Clean up, and Redevelop Brownfields.***

##### **Strategic Measure:**

- Through 2008, EPA will report the number of brownfield properties assessed and cleaned up. Returning these lands to beneficial reuse will enable the leveraging of \$10.2 billion in investments and 33,700 jobs through revitalization efforts.

EPA's Brownfields Program will continue to facilitate the cleanup, redevelopment and restoration of brownfields properties. Under the Brownfields law (Public Law 107-118, "Small Business Liability Relief and Brownfields Revitalization Act"<sup>2</sup>), brownfields are defined (with certain exclusions) as real properties, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Brownfield properties include, for example, abandoned industrial sites, drug labs, mine-scarred land, or sites contaminated with petroleum or petroleum products. Through its Brownfields Program, EPA will continue to provide for the assessment and cleanup of these properties, to leverage redevelopment opportunities, and to help preserve green space, offering combined benefits to local communities.

The Small Business Liability Relief and Brownfields Revitalization Act was enacted in 2002, expanding Federal financial assistance for brownfield revitalization by providing grants for assessment, cleanup, and job training. The law also limits the liability of certain contiguous property owners and prospective purchasers of brownfield properties and clarifies innocent landowner defenses to encourage revitalization and reuse of brownfield sites. In addition, the Law provides for the establishment and enhancement of state and Tribal response programs, which play a critical role in the successful cleanup and revitalization of brownfields.

#### **Strategy for Brownfields Assessment, Cleanup, Revolving Loan Fund, and Job Training Grants**

EPA will continue to provide assessment, cleanup, revolving loan fund, and job training grants to communities. Brownfields assessment grants provide funding to inventory, characterize, assess, and conduct planning and community involvement activities related to brownfields sites. The brownfields revolving loan fund grants provide funding for a grantee to capitalize a revolving loan and for a grantee to make subgrants to carry out cleanup activities at brownfield sites. Cleanup grants (authorized by the Brownfields law) will fund cleanup activities at brownfield sites owned by grant recipients. EPA will

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<sup>2</sup> Signed in January 2002, for more information on Public Law 107-118 go to <http://www.epa.gov/swerosps/bf/sblrbra.htm>.

also provide funding to create local environmental job training programs to ensure that the economic benefits derived from brownfield revitalization efforts remain in the community.

As described by the Brownfields law, EPA will publish proposal guidelines, solicit proposals, conduct a national competition, announce, and award assessment, cleanup, revolving loan fund, and job training grants. To ensure a fair selection process, evaluation panels consisting of EPA Regional and Headquarters staff and other Federal agency representatives will assess how well the proposals meet the selection criteria outlined in the statute and the proposal guidelines. Final selections will be made by EPA senior management after considering the ranking of proposals by the evaluation panels. The statute requires that funds be directed to the highest ranking proposals.

Proposal Guidelines for Brownfields Assessment, Revolving Loan Fund and Cleanup Grants are available at <http://www.epa.gov/brownfields/applicat.htm> .

Proposal Guidelines for Brownfields Job Training Grants are available at <http://www.epa.gov/brownfields/applicat.htm> .

Following award, EPA will assist grantees in achieving specific grant objectives as agreed upon in the project work plan. EPA will conduct post award monitoring activities to ensure the successful implementation of projects. As per the terms and conditions of the grant award, grantees will complete reporting requirements, providing EPA with performance information on grant activities.

#### Strategy for State and Tribal Response Programs

EPA will continue to work in partnership with state and Tribal programs to address brownfield properties. The Agency will provide states and Tribes with tools, information, and funding they can use to develop response programs that will address environmental assessment, cleanup, characterization, and redevelopment needs at sites contaminated with hazardous wastes and petroleum. The Agency will continue to encourage the empowerment of state, Tribal, and local environmental and economic development officials to oversee brownfield activities and the implementation of local solutions to local problems. EPA will publish an annual guidance regarding the criteria for state funding.

Grant Funding Guidance for State and Tribal Response Programs (CERCLA) Section 128(a) is available at: [http://www.epa.gov/swerosps/bf/state\\_tribal.htm#grant](http://www.epa.gov/swerosps/bf/state_tribal.htm#grant) .

## Brownfields Cleanup and Redevelopment Program Performance Measures

Goal	Obj	Measure	Baseline	FY 05 Enacted National Target	FY 06 Draft National Target	FY 07 Draft National Target	FY 08 Draft National Target	Comment
4	2	Number of Brownfields properties assessed.	306 (3 <sup>rd</sup> Quarter)	1,000	1,000			
4	2	Number of Brownfields cleanup grants awarded.	77	25	25			
4	2	Number of properties cleaned up using Brownfields funding.	N/A	60	60			
4	2	Estimated number of Brownfields property acres available for reuse or continued use.	N/A	No target	No target			
4	2	Number of jobs generated from Brownfields activities.	1,398 (3 <sup>rd</sup> Quarter)	5,000	5,000			
4	2	Number of Brownfields job training participants trained.	261 (3 <sup>rd</sup> Quarter)	200	200			
4	2	Percentage of Brownfields job training trainees placed.	60% (3 <sup>rd</sup> Quarter)	65%	65%			
4	2	Number of Tribes supported by Brownfields cooperative agreements.	N/A	no target	No target			
4	2	Amount of cleanup and redevelopment funds leveraged at Brownfields sites.	\$0.38B (3 <sup>rd</sup> Quarter)	\$0.9B	\$1.0B			

Performance information will be extracted from grantee quarterly reports and entered into the national Brownfields Management System (BMS) database. Reporting requirements are included in the grant terms and conditions. Assessment, Cleanup, and Revolving Loan Fund Grantees are required to complete the property profile form. Job Training Grantees are required to complete the job training reporting form. EPA Regions are required to complete the grant profile forms. State and Tribal Section 128 (a) reporting will be based on the terms and conditions of the grant. Program performance targets are developed on a national basis. More information on Brownfields Information and Data is available on the intranet at: [http://intranet.epa.gov/swerbrnf/bf\\_info.htm](http://intranet.epa.gov/swerbrnf/bf_info.htm).

## **RCRA Waste Management Programs**

Over the next three years, the RCRA program will have two main areas of focus. The first will be to continue existing program obligations such as ensuring the safe management of hazardous and non-hazardous waste and cleaning up hazardous and non-hazardous releases. The RCRA program is close to completing a major effort to stabilize corrective action sites, and will be focusing on effectively moving these sites toward final cleanup. Likewise, the program will be completing its obligations to issue permits or other approved controls, and will be increasingly emphasizing permit renewals.

The second is a redirection towards materials management and increased efforts regarding solid waste and chemicals reduction. Now that the Resource Conservation Challenge has been successfully launched, during the next three years, EPA will lay the ground work for attaining the objectives of the 2020 Vision Paper to reduce the generation of wastes and looking at sustainable use of all resources by continuing to work with co-implementers and the public.

The following information provides strategic targets, direction and priorities for the FY 2005-2007 operating years and is organized according to Strategic Plan subobjective.

### ***Goal 3: Land Preservation and Restoration***

#### ***Subobjective 1.1: Reduce Waste Generation and Increase Recycling***

The RCRA program will emphasize its strategy to reduce waste, reduce priority chemicals, and conserve resources. The Resource Conservation Challenge (RCC), one of OSWER's highest priorities, continues to be a principal mechanism for achieving this. Regions will be expected to champion and support the four national focus areas:

1. Reducing priority chemicals (covered under subobjective 5.2.2);
2. Beneficial use of materials;
3. Recycling of MSW; and
4. Electronics

EPA is currently developing an RCC action plan with workgroup participation from every Region. This national plan, expected to be completed in April 2005, will then serve as the foundation for Regions to develop individual plans to achieve their respective share of each goal.

In these key areas, we have identified, or started to identify, targets and measures that will demonstrate the positive benefits of this program: reducing priority chemical releases (see specific information under Goal 5, Subobjective 2.2); beneficially reusing materials, increasing recycling, and safely recycling, reusing, and managing e-waste. For more information on the RCC see <http://www.epa.gov/epaoswer/osw/conserves/index.htm>.

OSWER continues to support Performance Track (<http://www.epa.gov/performance-track>), a senior Agency management endorsed priority innovation, and has worked to develop RCRA incentives (<http://www.epa.gov/performance-track/benefits/regadmin/waste.htm>) for Performance



Track member facilities. RCRA Programs are encouraged to assist in the implementation of these incentives at the state level.

***Goal 3: Land Preservation and Restoration***

***Subobjective 1.2: Manage Hazardous Wastes and Petroleum Products Properly***

The strategic target for permitting or other approved controls is 95% for FY 2008. Regions are expected to meet the annual goals of 2.5% of the universe and at least 85% cumulatively in FY 2006. For FY 2007 and 2008, the annual goals are 2.1% and 2.0%, respectively. Note that the universe of facilities applicable to the FY 2008 goals is currently being revised and will be finalized by July 1, 2005. To reach these annual goals, Regions must work with states to:

- Develop multi-year strategies to meet the annual goals.
- Identify what is needed for each facility to achieve approved controls and determine when each facility is projected to achieve approved controls.
- Ensure combustion facilities are on track to meet the annual permitting and emissions reduction goals.

To meet the strategic target of updating controls for preventing releases at the approximately 150 facilities that are due for permit renewal by the end of 2006, Regions should work with states to:

- Ensure that by the beginning of FY 2006 all permit expirations (OP0270) have been entered into RCRAInfo so that the permit renewals baseline can be established and annual goals finalized.
- Develop multi-year strategies to implement updated controls.

In accordance with EPA's May 2002 Position Statement on Environmental Management Systems (EMSs<sup>3</sup>), the Regions will undertake the following activities to encourage the use of EMSs to improve environmental performance and compliance, and prevent pollution:

- Ensure completion of basic EMS awareness training for managers and staff.
- Promote EMSs to key industry sectors.
- Develop facility-specific or State-wide approaches to promote EMSs (e.g., pilot projects, facility-specific marketing, and technical assistance).

Regions will support and work closely with their states to ensure that the necessary environmental justice (EJ) policies, strategies and training programs are able to adequately address EJ concerns. Progress towards RCRA GPRA goals in potential EJ communities should continue at the same rate as in non EJ communities, or more rapidly.

More information on approved controls for the permitting program is at <http://www.epa.gov/epaoswer/hazwaste/permit/pgprarpt.htm> .

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<sup>3</sup> For more information on environmental management systems see <http://www.epa.gov/ems/policy/position.htm> .  
FY 2006 OSWER Implementation Guidance, Page 19

## Tribal Programs

EPA has direct implementation responsibility for the RCRA hazardous waste program in Indian country. Regions with Federally recognized Tribes are expected to devote resources to assisting Tribes, consistent with the Tribal waste management strategy, which addresses both hazardous and solid waste. EPA has developed several program measures to track progress and Regions will be expected to:

- Increase the number of Tribes covered by an integrated waste management plan approved by the appropriate governing body,
- Increase the number of Tribes who use waste collection systems (may include any combination of public curb-side pick-up, self-haul, or drop boxes),
- Increase the number of Tribes who use waste minimization systems, and
- Increase the number of actions to close open dumps or bring them into compliance.

### ***Goal 3: Land Preservation and Restoration***

#### ***Subobjective 2.2: Clean Up and Reuse Contaminated Land***

Achieving the 2008 GPRA goals is the highest priority of the RCRA corrective action program for FY 2006. The 2008 national GPRA goals, which build on the success achieved in 2005, are as follows:

- Assess 100 percent of RCRA baseline facilities (assess means that enough information to rank the site has been gathered).
- Control all identified unacceptable human exposures from site contamination to health-based levels for current land and/or ground-water use conditions at 95 percent of RCRA baseline facilities.
- Control the migration of contaminated ground water at 80 percent of RCRA baseline facilities.
- Select final remedies (cleanup targets) at 30 percent of RCRA baseline facilities.
- Complete construction of remedies at 20 percent of RCRA baseline facilities.

These 2008 national goals are based on a revised corrective action baseline (or universe) of 1,968 facilities that was developed in FY 2004 (herein referred to as the “2008 baseline”). National FY 2006 GPRA goals have been established for each Region based on Regional commitments (see chart below). These are the goals that EPA committed to in the FY 2006 President’s Budget.

#### **President’s Budget Commitments**

Region	GPRA Baseline Facilities	Site Assessment Annual Goal	Human Exposure Annual Goal	Groundwater Annual Goal	Remedy Select Annual Goal	Construction Complete Annual Goal
1	190	2	9	13	9	9
2	164	0	12	7	12	11
3	289	0	0	0	4	1
4	308	4	25	20	20	8

Region	GPRA Baseline Facilities	Site Assessment Annual Goal	Human Exposure Annual Goal	Groundwater Annual Goal	Remedy Select Annual Goal	Construction Complete Annual Goal
5	399	0	36	31	12	6
6	233	0	9	8	4	4
7	109	0	3	2	3	2
8	60	0	2	2	5	2
9	164	0	10	11	15	9
10	52	0	7	6	5	4
Total	1968	6	113	100	89	56

Each Region should work with states to develop and submit a strategy to achieve its individual 2008 GPRA goals. The strategy should be facility-specific, and should describe how available resources, including enforcement and alternate authorities, will be used to achieve the goals. The strategy should include plans for frequent contact with states to discuss their progress in meeting the 2008 goals, which will help ensure that steady progress is made.

Regions will support and work closely with their states to ensure that the necessary environmental justice (EJ) policies, strategies and training programs are able to adequately address EJ concerns. Progress towards RCRA GPRA goals in potential EJ communities should continue at least at the same rate as in non EJ communities. Regions should work with their states to help develop and offer innovative approaches that will empower citizens' groups to ensure successful voluntary cleanups.

**Schools Legacy Chemical Clean-Out:** OSW is aware that middle schools and high schools use and store toxic, reactive and ignitable chemicals, primarily for use in grounds, building and equipment maintenance, and school science laboratories. Improper storage and handling of these chemicals leads to costly accident and spill cleanup, and possible health threats. In 2004, OSW made school chemical clean-out a national priority. Targeting resources (e.g., to schools in EJ communities) is a key element in the schools clean-out strategy. In 2006, Regions will continue to identify schools in EJ communities for clean-out assistance.

### ***Goal 5: Compliance and Environmental Stewardship***

#### ***Subobjective 2.2: Prevent Pollution and Promote Environmental Stewardship by Business***

The National Partnership for Environmental Priorities (NPEP, formerly called the National Waste Minimization Partnership Program) is a part of the Agency's multi-media Resource Conservation Challenge. In FY 2006 EPA will achieve NPEP priority chemical reduction goals by identifying for Partnership enrollment the facilities and industrial and manufacturing sectors responsible for the highest volume of priority chemicals released to the environment. Partners enrolled by Regional and state representatives will contribute to the national priority chemical goal and may contribute to additional Regional or state specific chemical reduction goals. Decisions regarding chemicals (in addition to the 31 priority chemicals) selected for reduction should be based on the chemical waste minimization potential, risk, and generation trends as well

as volume of chemical released to the environment. Information on the specific actions and means by which reductions are achieved is provided in the RCC Priority Chemical Action Plan.

Based on targeting information provided by OSW, and other available information, Regions will establish specific annual Regional reduction goals, identifying the number of pounds of reductions the Region will seek to achieve each year to reach the 2008 Priority Chemical GPRA goal (10% reduction nationally based on 2001 release data from TRI). Regional annual priority chemical reduction targets will be entered into the Annual Commitment System (OCFO has set a deadline of July 1 for draft Regional commitments). Regions will develop a FY 2006 Regional priority chemical reduction plan designed to achieve these goals, which, at minimum, will describe its goals for recruiting partners for enrollment in NPEP. In particular, we hope to recruit partners into NPEP who will provide the greatest contribution toward achievement of the national GPRA goal. For further information, see <http://www.epa.gov/epaoswer/hazwaste/minimize/index.htm>.

Program element priority:

- Measurable reduction of priority chemicals released to the environment.

Note that overall program success is measured by reduction in the volume of priority chemicals, rather than the number of facilities enrolled in the partnership program. Additionally, source reduction is the preferred means of chemical reduction, but recycling is an acceptable alternative when viable source reductions options have been eliminated. EPA currently uses the Toxics Release Inventory (TRI) and Biennial Reporting (BR) data to measure progress toward GPRA goal achievement.

## RCRA Waste Management Program Performance Measures

Goal	Obj.	Measure	Baseline	Unit of Measure	FY 05 Draft Enacted Target	FY 06 Draft National Target	FY 07 Draft National Target	FY 08 Draft National Target	Comments
3	1	Percent of RCRA hazardous waste facilities with permits or other approved controls in place	87%	Facilities	2.8% of universe and at least 80% cumulative	2.5% of universe	2.1% of universe	2.0% of universe	Permit facility universe will be revised by July 1, 2005.
3	1	Update controls for preventing releases at facilities due for permit renewal by 2006	TBD	Facilities	N/A	TBD	TBD	TBD	Permit facility universe will be revised by July 1, 2005.
3	1	Number of Tribes covered by an integrated waste management plan approved by the appropriate governing body.	TBD	Tribes	N/A	30	TBD	TBD	
3	1	Number of Tribes who use waste collections systems.	TBD	Tribes	N/A	40	TBD	TBD	
3	1	Number of Tribes who use waste minimization systems	TBD	Tribes	N/A	25	TBD	TBD	
3	1	Percent of MSW produced that is recycled	31%	Pounds	N/A	TBD	TBD	35%	

Goal	Obj.	Measure	Baseline	Unit of Measure	FY 05 Draft Enacted Target	FY 06 Draft National Target	FY 07 Draft National Target	FY 08 Draft National Target	Comments
3	1	Pounds of coal combustion waste, foundry sands and construction and demolition waste that is beneficially reused	TBD	Pounds	N/A	TBD	TBD	TBD	
3	1	Pounds of electronics waste that is safely recycled	TBD	Pounds	N/A	TBD	TBD	TBD	
3	2	Percent of RCRA hazardous waste facilities with human exposures under control (CA725)	1440	Facilities	95%	82%	TBD	TBD	The target for FY 2006 drops because the universe of facilities has been revised upwards to 1,968.
3	2	Percent of RCRA hazardous waste facilities with migration of contaminated groundwater under control (CA750)	1199	Facilities	75%	68%	TBD	TBD	The target for FY 2006 drops because the universe of facilities has been revised upwards to 1,968.
3	2	Percent of RCRA hazardous waste facilities assessed (CA075)	N/A	Facilities	N/A	98%	TBD	TBD	
3	2	Percent of RCRA hazardous waste facilities with final remedies selected (CA400)	N/A	Facilities	N/A	21%	TBD	TBD	

Goal	Obj.	Measure	Baseline	Unit of Measure	FY 05 Draft Enacted Target	FY 06 Draft National Target	FY 07 Draft National Target	FY 08 Draft National Target	Comments
3	2	Percent of RCRA hazardous waste facilities with remedy construction completed (CA550)	N/A	Facilities	N/A	13%	TBD	TBD	
3	2	Number of actions on tribal lands to close open dumps or bring them into compliance	TBD	Dumps	N/A	12	TBD	TBD	1998 IHS Report cites 1,104 open dumps. The universe for this measure is being developed.
5	2	Percent reduction of priority chemicals in waste streams	TBD	Pounds	1.2 million	1.2 million	1.2 million	1.2 million	2005 goal revised to 1.2 million pounds priority chemical reduction. Reporting on this goal involves a 2 year data lag. Actual reductions for 2006 will be available in 2008. Actual goal achievement (reductions achieved by 2008) will be available in 2010.

# Underground Storage Tanks Program

## ***Goal 3: Land Preservation and Restoration***

### ***Objective 1: Preserve Land (UST)***

### ***Objective 2: Restore Land (LUST)***

EPA Regional offices are responsible for working cooperatively with states to identify and implement needed program improvements, as well as negotiate the terms and amounts of Underground Storage Tanks (UST) program State and Tribal Assistance Grants (STAG) awards, Leaking Underground Storage Tanks (LUST) Trust Fund cooperative agreements, and PL 105-276 assistance agreements to Tribes. Regional offices also directly implement and enforce UST regulations in Indian Country and, to a limited extent, they supplement state activities in areas that are under state jurisdiction.

## **1. National Priorities**

### **A. Cross Cutting Initiatives**

- o Conduct Enhanced Program Evaluations:*** Key objectives include: (1) continuing to provide analytical reports that track national and Regional program performance; (2) improving data quality; (3) examining viability and identifying ways to improve underground storage tank financial assurance mechanisms, including state cleanup funds, (4) conducting in-depth evaluations of specific state cleanup workloads to determine strategies for expediting and improving state cleanups programs; (5) developing methods to explicitly highlight the environmental and public health outcomes and benefits of completing LUST cleanups; and (6) continued participation in advancing OSWER's One-Cleanup Initiative including, leading EPA-state effort to evaluate the need for vapor intrusion guidance for petroleum sites, participating in task-force projects on ground water and long-term stewardship and contributing to OSWER's institutional controls tracking system with data for LUST Tribal sites.
- o State/EPA Inspector and Responders Training:*** Key objectives include: (1) developing and implementing an electronic-based system for providing training to state and Regional inspectors on underground storage tank compliance and cleanup; and (2) developing innovative approaches to make advanced training more widely available.



- o ***Funding and Oversight:*** Key objectives include: (1) developing and implementing program budgets; (2) finalizing automation of the LUST funding formula and distributing LUST funds to states and Tribes; (3) conducting Regional reviews by developing new Regional performance review tool and participating in all-states conferences; and (4) supporting and approving state authorization.
- o ***Fostering and Expanding Partnerships:*** Key objectives include: (1) fostering existing partnerships among EPA (headquarters and Regions), states, communities, Tribes and industry to prevent releases and clean them up quickly when they occur; and (2) expanding partnerships by including non-OSWER EPA offices and the UST/LUST Regional program offices to achieve an integrated approach on tank issues (e.g., vapor issues and source water issues.) See <http://www.epa.gov/OUST/swaustmemo.pdf> .

#### **B. Program Specific Initiatives**

- ***Promoting Redevelopment of Abandoned Gas Stations:*** Key objectives include: (1) working with Brownfields and Revitalization programs as key participants in implementing the petroleum provision of the Brownfields law; (2) working to increase state tank program participation in revitalization of petroleum contaminated sites; (3) overseeing completion of USTfields pilots and issuing case studies with lessons learned; and (4) developing partnerships with public and private groups to promote reuse of petroleum contaminated sites in four areas (residential, recreational/ecological, commercial, and public) by hosting Regional abandoned tank reuse symposiums, developing a guide on the inventories of sites and piloting tools such as "ready-for-reuse" determinations, information exchange through "Quickplace". See <http://www.epa.gov/OUST/rags/index.htm> .
- ***Reducing the Cleanup Backlog:*** Key objectives include: (1) piloting innovative and cost-effective approaches (such as the use of multi-site cleanup agreements) for cleanup resulting from the cleanup workload study; (2) expanding efforts to optimize cleanups of difficult sites; (3) providing technical and financial assistance to address fuel additives including oxygenates, MTBE, and lead scavengers; and (4) achieving a better understanding of the current backlog of sites and remaining administrative, legal and technical impediments to cleanup.

- ***Improving Compliance:*** Key objectives include: (1) continuing to improve operational compliance reporting measures; (2) evaluating non-compliant universe and developing tools to improve compliance such as supporting the use of a compliance workbook for tank owners, and working with Regions and states to increase inspections (e.g., creating state projects using alternative approaches such as the Environmental Results Program, a self-certification approach, to achieve compliance with Underground Storage Tank operational requirements, or a Regional traveling inspector team); (3) developing cost-effective approaches to improve Tribal compliance progress; (4) continuing to work with organizations such as the Underwriters Laboratory to improve underground storage tank equipment and industry codes and practices; (5) continuing to evaluate the effectiveness of UST regulations by funding EPA studies and evaluating: (a) why releases are occurring; and (b) UST system equipment performance; (6) evaluating the frequency and magnitude of small volume releases (including vapor releases) from UST systems, and identifying potential solutions.

### **C. Program Development**

In FY 2005, a new LUST measure was reported internally which supports OSWER's approach to revitalization. The new internal measure, acres available for reuse or in continued use at LUST sites, is based on the number of sites at which cleanups are completed each year, multiplied by an estimated average of one acre per LUST site. Total acres also include contaminated land that was abandoned, cleaned up and made available for development. Specific measurements are not currently reported for land that remains in continued use during cleanup, and for abandoned land that is available for reuse. This measure was a joint effort with the Regional and state LUST programs. See <http://www.epa.gov/ocfopage/plan/2003sp.pdf>.

One of the influences in program development is the Federal government's program assessment rating tool (PART). The PART was developed to assess and improve program performance so that the Federal government can achieve better results. The LUST program was reviewed to identify its strengths and weaknesses to make the program more effective. In FY 2004, the LUST Program received a final numerical score of 68 and an overall rating of "adequate" from OMB's PART review. To achieve this rating, the LUST Program created two long-term performance measures that focus on environmental outcomes. The first measure is to increase the number of sites that meet risk-based standards for human exposure and groundwater migration. This measure focuses on the LUST program's sole mission, which is to cleanup LUST sites, and is correlated with the annual performance goal of LUST cleanups completed. This measure tracks EPA's performance on overseeing cleanups performed largely by states. The second long-term measure is to reduce the backlog of cleanups that exceed state risk-based standards for human exposure in Indian Country.

In FY 2005, the LUST Program will develop a baseline for a new program efficiency measure which will capture cleanups completed over a three-year rolling average per total cleanup costs. The rolling average of cleanups will create a more meaningful and stable measure of efficiency as cleanups completed can vary significantly from year to year. This new measure will be reported in FY 2006.

EPA anticipates that the UST program will undergo a PART review, with the results to be released in the FY 2008 President's budget request.

## **2. Funding**

EPA provides funds to help states implement their programs through STAG grants, LUST Trust Fund state cooperative agreements, and to Tribes through PL 105-276 assistance agreements, and when funding is available, from EPA's Headquarters' EPM and LUST Extramural Operating Plan resources. Specific activities funded under UST state (STAG) grants and LUST state cooperative agreements are determined through negotiations between the states and Tribes and the EPA Regional offices.

### **A. UST State and Tribal Assistance Grants (STAG) Program**

UST STAG program grants assist states and Tribes in planning and conducting activities aimed at implementing and enforcing requirements for the prevention and detection of releases from USTs.

STAG funds are distributed annually among the Regional offices. While the distribution is based on equal funding for all states (plus the District of Columbia and Puerto Rico) and smaller amounts for territories, Regional offices are free to vary actual awards to states based on their programmatic needs, progress towards meeting or exceeding the compliance GPRA measure, progress towards State Program Approval (SPA), and other relevant factors.

States must match funds equal to 25% of their UST program Section 2007(f) grant awards. See <http://www.epa.gov/ogd/grants/cfda.htm> (66.804). State matches may include in-kind contributions. To assist the Regional offices in evaluating state programs and identifying opportunities for improvement, states are encouraged to provide a complete picture of UST program activities and funding. There is no match requirement for grants to Tribes under PL 105-276.

## **B. LUST Trust Fund Cooperative Agreements**

Policies and procedures applicable to EPA-State LUST Trust Fund cooperative agreements are presented in detail in OSWER Directive 9650.10A, issued May 24, 1994. See <http://www.epa.gov/OUST/directiv/d965010a.htm> .

Funds for state cooperative agreements are distributed annually among the Regional offices based on a formula that calculates: (1) a base allocation; (2) bonuses and rewards marking progress toward State Program Approval (SPA); (3) a performance-based bonus pool for states that are either initiating or completing a higher percentage of cleanups than the national average; and (4) a need allocation. Regional offices are free to reallocate the funds among states and territories based on a closer assessment of their needs in meeting or exceeding the cleanup GPRA measure, and other relevant factors.

A ten (10) percent state cost share is required. There is no match requirement for cooperative agreements to Tribes under PL-105-276. See <http://www.epa.gov/ogd/grants/cfda.htm> (66.805).

## **C. EPA's EPM and LUST Extramural Operating Plan Projects (Subject to availability of funds)**

EPM and LUST Extramural Projects are aimed at helping states correct specific deficiencies or make specific improvements in their UST/LUST programs. When funding is available, Regional offices receive funding from OUST's EPM and/or LUST Extramural budget. Within the limitations imposed by the EPA budget and appropriations structure, Regional offices are able to support projects through cooperative agreements, grants, or by obtaining contractor assistance to help states with a specific project.

Regional offices have discretion to decide which state projects to support, but all projects must be strategically important to state UST/LUST programs and OUST's national priorities.

## **D. Grants to Tribes - PL 105-276**

In FY 1999, through PL 105-276, Congress gave EPA authority to provide assistance agreements to Federally-recognized Tribes. In general, such assistance agreements can be used for the same purposes for Tribes as they are used for states. However, EPA does not have authority under RCRA to approve Tribal programs to operate in lieu of the Federal program. Grants may be used to help Tribes develop the capability to administer their own UST programs. Examples of eligible projects include the

development and implementation of a regulatory program in Indian Country, conducting an unregistered tank survey, and providing leak detection and installer training.

#### **4. Regional Planning Meetings**

Regional Planning Meetings provide an annual opportunity for OUST and Regional management to assess the strengths and weaknesses of state programs and decide where EPA's support is most needed and would be most productive. OUST holds yearly Regional Planning Meetings strategy sessions with each Regional office. Details of the Regional Planning Meetings' process are described in annual correspondence from the OUST Director to the UST/LUST Regional Division Directors.

#### **5. State Reporting Requirements and Schedule**

Regional offices and states must work out reporting schedules that will enable the Regional offices to submit states' data to OUST in a timely manner.

The LUST National GPRA Goal for Cleanups Completed had a target of 21,000 in FY 2005. EPA believes this will be reduced and is currently negotiating the extent of this reduction for FY 2005 and beyond.

To make it easier to communicate the compliance of the UST community and to consider the relative impact on human health and the environment, OUST and its state partners in FY 2003 developed a uniform method for measuring certain aspects of significant operational compliance in the UST program. See <http://www.epa.gov/OUST/cmplastc/tranmemo.pdf>.

At the end of FY 2004, states and Regional offices reported a baseline of 64% for the new combined measure, i.e., the percent of UST facilities that are in significant operational compliance with both release detection and release prevention (spill, overfill, and corrosion protection) requirements. OUST's goal for each of the next four years is to increase compliance by one percent (1%) each year. This goal is reasonable since constant vigilance is required to ensure the existing compliance facilities remain in significant operational compliance.

Regional offices are expected to verify the accuracy and completeness of data provided by states. Verification must be an ongoing process, in order to avoid "last minute" reviews, each time states submit data. Regional offices must either develop their own verification processes or follow verification guidance provided by OUST; in general, such processes should involve sufficient interaction with states that the Regional offices can be confident that the data submitted at the end of each reporting period are complete, up-to-date, and accurate. Each Regional office should conduct at least one on-site review of each state's data.

### Underground Storage Tanks Program Performance Measures

Goal	Obj	Measure	FY 04 Baseline	Unit of Measure	FY 05 Enacted National Target	FY 06 Draft National Target	FY 07 Draft National Target	FY 08 Draft National Target	Comment
3	1	Percent increase of UST facilities in significant operational compliance with both release detection and release prevention (spill, overflow, and corrosion protection) requirements	64%	%	1%	1%	1%	1%	Baseline: In FY04, a baseline for the new combined measure is 64%.
3	1	Number of confirmed UST releases nationally	447,233 (7,848 confirmed releases for FY 2004)	UST Releases	<10,000	<10,000	<10,000	<10,000	Baseline: Between FY1999 and FY2004, confirmed UST releases averaged 12,641.
3	2	Number of leaking underground storage tank cleanups completed	317,405 (14,285 cleanups completed for FY 2004)	Cleanups	Under negotiation	18,300	13,000	13,000	At end of FY04, cumulative number of 317,405 leaking underground storage tanks cleanups were completed.
3	2	Number of leaking underground storage tank cleanups in Indian Country	625 (33 cleanups completed in Indian Country in FY 2004)	Cleanups	Under negotiation	30	30	30	By the end of FY04, cumulative number of 625 leaking underground storage tank cleanups were completed in Indian Country.

## **FY 2006 Grants Management Guidelines**

OSWER continues to place a high priority on effective grants management. We will emphasize the following key areas as we implement our grant programs:

1. Standardizing the timing of issuance of grants guidance for categorical grants (i.e., by April of the fiscal year prior to the year in which the guidance applies);
2. Ensuring that a high priority is placed on the effective management of grants; and
3. Linking grants performance to the achievement of environmental results as laid out in the Agency's *Strategic Plan* and the *OSWER National Program Manager Guidance*.

The Office of Grants and Debarment (OGD) issued a Grants Management Plan for 2003 – 2008 which is designed to help ensure grant programs meet the highest management and fiduciary standards. It furthers the Agency's mission of protecting human health and the environment. The Plan highlights five grants management goals:

1. Enhance the skills of EPA personnel involved in grants management;
2. Promote competition in the award of grants;
3. Leverage technology to improve program performance;
4. Strengthen EPA oversight of grants; and
5. Support identifying and realizing environmental outcomes.

OSWER is committed to cooperating with OGD to accomplish these goals and continues to work to manage grants efficiently and effectively.

### **Timing of Guidance Issued for Categorical Grants**

One of OSWER's objectives is to organize and coordinate the issuance of draft and final guidance documents, including grants guidance, to coincide as much as possible with State, tribal, and regional planning processes. As a result, all guidance packages for categorical grant programs are to be issued by April of the year in advance of the fiscal year of availability of funds if at all possible (i.e., guidance for fiscal year 2006 appropriated funds needs to be issued by April 2005). Not all categorical grant programs issue annual guidance. These programs may simply indicate that they are continuing to use their current guidance. The 2003-2008 EPA *Strategic Plan* can be found at <http://www.epa.gov/ocfopage/plan/plan.htm>. Waste programs and their enforcement components are contained in goals 3, 4 and 5.

### **Effective Grants Management**

The Agency has issued directives, policies, and guidance to help improve grants management. It is the policy of OSWER that all grants are to comply with applicable grants policies described below, regardless of whether the program specific guidance document addresses the policy topic.

## **Promoting Competition**

OSWER project officers are to comply with Agency policy concerning competition in the award of grants and cooperative agreements. Further they must ensure that the competitive process is fair and open, with no applicant receiving an unfair advantage. The Policy for Competition of Assistance Agreements, EPA Order 5700.5A1, effective January 15, 2005, applies to:

- Competitive announcements issued, released, or posted after January 14, 2005;
- Assistance agreement competitions, awards, and disputes based on competitive announcements issued, released, or posted after January 14, 2005;
- Non-competitive awards resulting from non-competitive funding recommendations submitted to a Grants Management Office after January 14, 2005; and
- Assistance agreement amendments issued after January 14, 2005.

## **Ensuring Effective Oversight of Assistance Agreements**

1. *Programmatic Pre-Award Reviews for Non-Competitive and Competitive Awards to Non-profit Applicants:*

EPA Order 5700.8, "EPA Policy on Assessing Capabilities of Non-Profit Applicants for Managing Assistance Awards" was approved on March 24, 2005, and went into effect March 31. The Order responds to Congressional, GAO and OIG concerns that: 1) EPA is awarding grants to non-profit organizations that lack administrative and/or programmatic capability; and 2) EPA is not taking corrective action against non-profit organizations that fail to comply with the terms and conditions of their grant agreements. The Order applies to Congressional earmarks, but requires advance consultation with the Office of Congressional and Intergovernmental Relations and the Office of the Chief Financial Officer.

OSWER must assess the programmatic capability of the non-profit applicant, taking into account pertinent information from the GAD Grantee Compliance Database and the grant application. Also, OSWER must provide an assurance in the funding recommendation/funding package that the applicant possesses, or will possess, the necessary programmatic capability.

All competitive grant announcements under which non-profit organizations can compete must contain a programmatic capability ranking factor(s). Non-profit applicants and other applicants that compete will be evaluated under this factor. Non-profit applicants selected for funding will be subject to a review for administrative capability similar to that for non-competitive awards.



## 2. *Post-award Monitoring:*

Each year, OSWER develops and launches a post-award monitoring plan and conducts basic monitoring for every award and advanced monitoring for select awards. EPA Order 5700.6 A1 covers post-award management of assistance agreements and helps ensure effective oversight of recipient performance and management. The Order encompasses both the administrative and programmatic aspects of the Agency's financial assistance programs. From the programmatic standpoint, this monitoring should ensure satisfaction of five core areas:

- Compliance with all programmatic terms and conditions;
- Correlation of the recipient's work plan/application and actual progress under the award;
- Availability of funds to complete the project;
- Proper management of and accounting for equipment purchased under the award; and
- Compliance with all statutory and regulatory requirements of the program.

If during monitoring it is determined that there is reason to believe that the grantee has committed or commits fraud, waste and/or abuse, then the project officer must contact the Office of the Inspector General. Advanced monitoring activities must be documented in the official grant file and the Grantee Compliance Database.

### **Project Officer Performance Standards**

Project Officers participate in a wide range of pre-and post-award activities. On November 14, 2004, EPA disseminated a memorandum entitled "Performance Standards for Grants Management." OSWER supports the requirement that project officers and their supervisors adequately address grants management responsibilities through the Agency's PERFORMS process. Headquarters and Regional offices are required to periodically re-evaluate the new standards as they conduct their grants management self-assessments.

### **Environmental Results of Grants and Link to Strategic Plan**

The Agency's *Strategic Plan* includes key "outcome" measures of environmental and public health progress we hope to accomplish by 2008. Goal 3, 4 and 5 of the *Strategic Plan* present specific OSWER objectives, sub-objectives and strategic targets that define, in measurable terms, the change in public health or environmental conditions to be accomplished by 2008.

Grants are one of the many tools that EPA, States, local governments, and others will use to accomplish the environmental and public health goals in the *Strategic Plan*. The OGD Grants Management Plan for 2003 – 2008 includes the goal of linking grants performance to the achievement of the Agency's *Strategic Plan* and managing for results. On January 1, 2005, EPA issued the Environmental Results Order (5700.7). The Order makes it EPA policy to link

proposed assistance agreements to the Agency's Strategic Plan / GPRA architecture and ensure that outputs and outcomes are appropriately addressed in assistance agreement competitive funding announcements, work plans, and performance reports. The Order applies to all non-competitive funding packages / funding recommendations submitted to Grants Management Offices after January 1, 2005, all competitive assistance agreements resulting from competitive funding announcements issued after January 1, 2005, and competitive funding announcements issued after January 1, 2005. Project Officers must include in the Funding Recommendation a description of how the assistance agreement project fits within the Agency's Strategic Plan /GPRA architecture. The description must identify all applicable EPA strategic goal(s), objectives, and where available, sub-objective(s), consistent with the appropriate Program Results Code(s). In addition, project officers must:

1. Consider how the results from completed assistance agreement projects contribute to the Agency's programmatic goals and objectives;
2. Negotiate and ensure that work plans contain well-defined outputs and, to the maximum extent practicable, well-defined outcomes; and
3. Ensure that outputs and outcomes are appropriately addressed in assistance agreement work plans, solicitations and performance reports.

## Links to Strategic Planning and Budgeting

For the purposes of strategic planning, and formulating and implementing annual budgets, program activities are represented by a planning architecture comprised of goals, objectives and supporting program/project activities. All major OSWER programs and their enforcement counterparts are represented in the *EPA FY 2006 Annual Performance Plan and Congressional Justification* (<http://www.epa.gov/ocfopage/budget/2006/2006cj.htm>) as follows:

### Goal 3: Land Preservation and Restoration

- Objective 1; By 2008, reduce adverse effects to land by reducing waste generation, increasing recycling, and ensuring proper management of waste and petroleum products at facilities in ways that prevent releases.  
Program/Project Activities
  - Categorical Grant: Hazardous Waste Financial Assistance
  - Categorical Grant: Underground Storage Tanks
  - Compliance Assistance and Centers
  - LUST / UST
  - RCRA: Waste Management
  - RCRA: Waste Minimization & Recycling
  
- Objective 2; By 2008, control the risks to human health and the environment by mitigating the impact of accidental or intentional releases and by cleaning up and restoring contaminated sites or properties to appropriate levels.  
Program/Project Activities
  - Base Realignment and Closure (BRAC)
  - Categorical Grant: Hazardous Waste Financial Assistance
  - Civil Enforcement
  - Compliance Assistance and Centers
  - Homeland Security: Preparedness, Response, and Recovery
  - Homeland Security: Protection of EPA Personnel and Infrastructure
  - LUST / UST
  - LUST Cooperative Agreements
  - Oil Spill: Prevention, Preparedness and Response
  - RCRA: Corrective Action
  - Superfund: Emergency Response and Removal
  - Superfund: Enforcement
  - Superfund: EPA Emergency Preparedness
  - Superfund: Federal Facilities
  - Superfund: Remedial
  - Superfund: Support to Other Federal Agencies
  - Superfund: Federal Facilities Enforcement

- Objective 3; Through 2008, provide and apply sound science for protecting and restoring land by conducting leading-edge research and developing a better understanding and characterization of environmental outcomes under Goal 3.  
Program/Project Activities
  - Research: Land Protection and Restoration
  - Superfund: Remedial

#### Goal 4: Healthy Communities and Ecosystems

- Objective 1; Prevent and reduce pesticide, chemical, and genetically engineered biological organism risks to humans, communities, and ecosystems.  
Program/Project Activities
  - State and Local Prevention and Preparedness
- Objective 2; Sustain, clean up, and restore communities and the ecological systems that support them.  
Program/Project Activities
  - Brownfields
  - Brownfields Projects
  - Categorical Grant: Brownfields
  - Geographic Program: Other

#### Goal 5: Compliance and Environmental Stewardship

- Objective 2; By 2008, improve environmental protection and enhance natural resource conservation on the part of government, business, and the public through the adoption of pollution prevention and sustainable practices that include the design of products and manufacturing processes that generate less pollution, the reduction of regulatory barriers, and the adoption of results-based, innovative, and multimedia approaches.  
Program/Project Activities
  - RCRA: Waste Minimization & Recycling

## OSWER Performance Measures

### Superfund Remediation, Federal Facilities Program

Goal	Obj.	Measure	Baseline	Unit of Measure	FY 05 Enacted National Target	FY 06 Draft National Target	FY 07 Draft National Target	FY 08 Draft National Target	Comment
3	2	Number of Superfund Final Site Assessment Decisions	39,134	Final Assessment Decisions	500	500	500	500	
3	2	Number of Superfund Hazardous Waste Sites with Human Exposures Under Control	1242	Sites	10	10	10	10	
3	2	Number of Superfund Hazardous Waste Sites with Ground Water Migration Under Control	875	Sites	10	10	10	10	
3	2	Number of Final Remedies Selected at Superfund Sites	1003	Final Remedies	20	20	20	20	
3	2	Number of Superfund Construction Completions	926	Construction Completion	40	40	40	40	
3	2	Percentage of total Superfund appropriated resources which are obligated site-specifically each year.	55%	Obligations	56%	57.25%	58.5%	60%	
3	2	Percent of Settlements or Enforcement Actions before the Start of the Remedial Action		Settlements or Enforcement Actions	90 %	90 %	90 %		
3	2	Statute of Limitations Cases with Unaddressed Total Past Costs Equal to or Greater than \$200,000		Statute of Limitations Cases	100%	100 %	100 %		

Note: Baseline year is FY2004

## OSWER Performance Measures

### Emergency Response and Prevention Program

Goal	Obj.	Measure	Baseline	Unit of Measure	FY 05 Enacted National Target	FY 06 Draft National Target	FY 07 Draft National Target	FY 08 Draft National Target	Comment
3	2	Percentage improvement in emergency response and homeland security readiness	completed in FY 2003	percentage improvement	10% improvement	10% improvement	10% improvement		
3	2	Number of Superfund removal response actions initiated		removal actions	350	350	350		
3	2	Number of oil spills responded to or monitored		spill responses	300	300	300		
4	1	Number of risk management plan audits completed.	N/A	Facilities	400	400	400		
4	1	Percentage of LEPCs which have incorporated RMP information into their emergency plans.	FY2005	LEPCs and/or communities	N/A	N/A	N/A		Will determine future targets based on baseline data collected in 2005.

Note: Baseline year is FY2004

\*The Agency is currently evaluating this baseline and may adjust it downward in the future.

## OSWER Performance Measures

### Brownfields Cleanup and Redevelopment Program

Goal	Obj	Measure	Baseline	FY 05 Enacted National Target	FY 06 Draft National Target	FY 07 Draft National Target	FY 08 Draft National Target	Comment
4	2	Number of Brownfields properties assessed.	306 (3 <sup>rd</sup> Quarter)	1,000	1,000			
4	2	Number of Brownfields cleanup grants awarded.	77	25	25			
4	2	Number of properties cleaned up using Brownfields funding.	N/A	60	60			
4	2	Estimated number of Brownfields property acres available for reuse or continued use.	N/A	No target	No target			
4	2	Number of jobs generated from Brownfields activities.	1,398 (3 <sup>rd</sup> Quarter)	5,000	5,000			
4	2	Number of Brownfields job training participants trained.	261 (3 <sup>rd</sup> Quarter)	200	200			
4	2	Percentage of Brownfields job training trainees placed.	60% (3 <sup>rd</sup> Quarter)	65%	65%			
4	2	Number of Tribes supported by Brownfields cooperative agreements.	N/A	no target	No target			
4	2	Amount of cleanup and redevelopment funds leveraged at Brownfields sites.	\$0.38B (3 <sup>rd</sup> Quarter)	\$0.9B	\$1.0B			

Performance information will be extracted from grantee quarterly reports and entered into the national Brownfields Management System (BMS) database. Reporting requirements are included in the grant terms and conditions. Assessment, Cleanup, and Revolving Loan Fund Grantees are required to complete the property profile form. Job Training Grantees are required to complete the job training reporting form. EPA Regions are required to complete the grant profile forms. State and Tribal Section 128 (a) reporting will be based on the terms and conditions of the grant. Program performance targets are developed on a national basis. More information on Brownfields Information and Data is available on the intranet at: [http://intranet.epa.gov/swbrnfbf\\_info.htm](http://intranet.epa.gov/swbrnfbf_info.htm).

## OSWER Performance Measures

### RCRA Waste Management Programs

Goal	Obj.	Measure	Baseline	Unit of Measure	FY 05 Draft Enacted Target	FY 06 Draft National Target	FY 07 Draft National Target	FY 08 Draft National Target	Comments
3	1	Percent of RCRA hazardous waste facilities with permits or other approved controls in place	87%	Facilities	2.8% of universe and at least 80% cumulative	2.5% of universe	2.1% of universe	2.0% of universe	Permit facility universe will be revised by July 1, 2005.
3	1	Update controls for preventing releases at facilities due for permit renewal by 2006	TBD	Facilities	N/A	TBD	TBD	TBD	Permit facility universe will be revised by July 1, 2005.
3	1	Number of Tribes covered by an integrated waste management plan approved by the appropriate governing body.	TBD	Tribes	N/A	30	TBD	TBD	
3	1	Number of Tribes who use waste collections systems.	TBD	Tribes	N/A	40	TBD	TBD	
3	1	Number of Tribes who use waste minimization systems	TBD	Tribes	N/A	25	TBD	TBD	
3	1	Percent of MSW produced that is recycled	31%	Pounds	N/A	TBD	TBD	35%	



## OSWER Performance Measures

Goal	Obj.	Measure	Baseline	Unit of Measure	FY 05 Draft Enacted Target	FY 06 Draft National Target	FY 07 Draft National Target	FY 08 Draft National Target	Comments
3	1	Pounds of coal combustion waste, foundry sands and construction and demolition waste that is beneficially reused	TBD	Pounds	N/A	TBD	TBD	TBD	
3	1	Pounds of electronics waste that is safely recycled	TBD	Pounds	N/A	TBD	TBD	TBD	
3	2	Percent of RCRA hazardous waste facilities with human exposures under control (CA725)	1440	Facilities	95%	82%	TBD	TBD	The target for FY 2006 drops because the universe of facilities has been revised upwards to 1,968.
3	2	Percent of RCRA hazardous waste facilities with migration of contaminated groundwater under control (CA750)	1199	Facilities	75%	68%	TBD	TBD	The target for FY 2006 drops because the universe of facilities has been revised upwards to 1,968.
3	2	Percent of RCRA hazardous waste facilities assessed (CA075)	N/A	Facilities	N/A	98%	TBD	TBD	
3	2	Percent of RCRA hazardous waste facilities with final remedies selected (CA400)	N/A	Facilities	N/A	21%	TBD	TBD	

## OSWER Performance Measures

Goal	Obj.	Measure	Baseline	Unit of Measure	FY 05 Draft Enacted Target	FY 06 Draft National Target	FY 07 Draft National Target	FY 08 Draft National Target	Comments
3	2	Percent of RCRA hazardous waste facilities with remedy construction completed (CA550)	N/A	Facilities	N/A	13%	TBD	TBD	
3	2	Number of actions on tribal lands to close open dumps or bring them into compliance	TBD	Dumps	N/A	12	TBD	TBD	1998 IHS Report cites 1,104 open dumps. The universe for this measure is being developed.
5	2	Percent reduction of priority chemicals in waste streams	TBD	Pounds	1.2 million	1.2 million	1.2 million	1.2 million	2005 goal revised to 1.2 million pounds priority chemical reduction. Reporting on this goal involves a 2 year data lag. Actual reductions for 2006 will be available in 2008. Actual goal achievement (reductions achieved by 2008) will be available in 2010.

## OSWER Performance Measures

### Underground Storage Tanks Program

Goal	Obj	Measure	FY 04 Baseline	Unit of Measure	FY 05 Enacted National Target	FY 06 Draft National Target	FY 07 Draft National Target	FY 08 Draft National Target	Comment
3	1	Percent increase of UST facilities in significant operational compliance with both release detection and release prevention (spill, overflow, and corrosion protection) requirements	64%	%	1%	1%	1%	1%	Baseline: In FY04, a baseline for the new combined measure is 64%.
3	1	Number of confirmed UST releases nationally	447,233 (7,848 confirmed releases for FY 2004)	UST Releases	<10,000	<10,000	<10,000	<10,000	Baseline: Between FY1999 and FY2004, confirmed UST releases averaged 12,641.
3	2	Number of leaking underground storage tank cleanups completed	317,405 (14,285 cleanups completed for FY 2004)	Cleanups	Under negotiation	18,300	13,000	13,000	At end of FY04, cumulative number of 317,405 leaking underground storage tanks cleanups were completed.
3	2	Number of leaking underground storage tank cleanups in Indian Country	625 (33 cleanups completed in Indian Country in FY 2004)	Cleanups	Under negotiation	30	30	30	By the end of FY04, cumulative number of 625 leaking underground storage tank cleanups were completed in Indian Country.